

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA(1) KEVIN WILSON # KU3715 :
(Name of Plaintiff) (Inmate Number) :P.O. BOX 1000, HOUTZDALE, PA. 16698 :
(Address) :(2) _____ :
(Name of Plaintiff) (Inmate Number) :_____
(Address) :(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) LAWRENCE P. MAHAHLY :(2) DENNIS GROMEL :(3) C.O. WILSON :
(Names of Defendants) :(Each named party must be numbered,
and all names must be printed or typed)FILED
SCRANTON

AUG 17 2018

PER Amo
DEPUTY CLERKTO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS
☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? COMPLETED THE GRIEVANCE PROCESS ALL THE WAY TO CENTRAL OFFICE.
 2. What was the result? DENIED.
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

- (1) Name of first defendant: LAWRENCE P. MAHALNY
 Employed as SUPERINTENDANT at S.C.I. DALLAS
 Mailing address: 1000 FOLLIES RD., DALLAS, PA. 18612
- (2) Name of second defendant: DENNIS GROMER
 Employed as CORRECTIONS OFFICER at S.C.I. DALLAS
 Mailing address: 1000 FOLLIES RD., DALLAS, PA. 18612
- (3) Name of third defendant: C.O. WILSON
 Employed as CORRECTIONS OFFICER at S.C.I. DALLAS
 Mailing address: 1000 FOLLIES RD., DALLAS, PA. 18612

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. ON FEBRUARY 3, 2018, AT APPROXIMATELY 7:15 P.M., PLAINTIFF WAS USING THE TELEPHONE ON C-BLOCK HOUSING UNIT AT S.C.I. DALLAS, WHEN HE WAS ATTACKED BY TWO INMATES

WITH A METAL SHANK, AND A RAZOR BLADE.

2. AS PLAINTIFF WAS BEING ATTACKED, HE OBSERVED BOTH INMATES HAD THEIR STATE ISSUED WINTER HATS PULLED OVER THEIR FACES TO DISGUISE THEIR IDENTITIES.

3. AS THE ATTACK WAS OCCURRING, THE TWO CORRECTIONAL OFFICER'S ON DUTY AT THE TIME, C.O. WILSON, AND C.O. GROMEL, STARTED SHOUTING "STOP FIGHTING," FROM THE OFFICER'S DESK, NEVER GETTING UP, NOR USING THEIR PEPPER SPRAY TO QUIET (PLEASE SEE ATTACHED PAGE)...

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. EXPUNGE THE DISCIPLINARY CONVICTION DESCRIBED IN THIS COMPLAINT FROM PLAINTIFF'S INSTITUTIONAL RECORD.
2. AWARD COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS:
\$ 150,000 JOINTLY AND SEVERALLY AGAINST DEFENDANTS WILSON,
AND GROMEL, FOR THE PHYSICAL AND EMOTIONAL INJURIES SUSTAINED
AS A RESULT OF FAILING TO INTERVENE AFTER WITNESSING THE ATTACK.
3. AWARD PUNITIVE DAMAGES IN THE FOLLOWING AMOUNTS:
\$ 50,000 JOINTLY AND SEVERALLY AGAINST DEFENDANTS WILSON,
AND GROMEL, FOR DELAYED MEDICAL TREATMENT AFTER
(PLEASE SEE ATTACHED PAGE)...

THE ATTACK.

4. THE ATTACK CONTINUED FOR APPROXIMATELY ANOTHER 30 SECONDS OR SO, THAN PLAINTIFF'S ATTACKERS RAN OFF STATING THEY WOULD COME BACK AND KILL PLAINTIFF. THESE DEATH THREATS WERE ALSO HEARD BY C.O. WILSON, AND C.O. GROMEL, WHO STOOD BY WATCHING, NEVER TAKING ACTION.
5. AFTER PLAINTIFF ATTACKER'S RAN AWAY, PLAINTIFF INFORMED BOTH OFFICERS HE NEEDED MEDICAL ATTENTION BECAUSE HE WAS HAVING TROUBLE BREATHING, LOSING ALOT OF BLOOD, AND COULD NOT MOVE HIS LEFT ARM.
6. OFFICER GROMEL, STATED HE WAS A TRAINEE AND THAT I WOULD HAVE TO SPECK WITH OFFICER WILSON, ABOUT CALLING THE MEDICAL DEPARTMENT.
7. PLAINTIFF THEN ASKED OFFICER WILSON, TO CALL MEDICAL, INWHICH OFFICER WILSON, STATED, "YOU SHOULD LEARN HOW TO FIGHT"; "MEDICAL IS NOT GOING TO BE CALLED BECAUSE IT WILL DRAW ATTENTION TO THE UNIT."
8. PLAINTIFF THEN WALKED BACK INTO THE TELEPHONE ROOM AND TURNED ON THE SINK TO WASH HIS FACE, WHICH WAS COVERED IN SWEAT AND BLOOD. OUT OF NO WHERE PLAINTIFF'S ATTACKERS CAME BACK AND STARTED TO ATTACK PLAINTIFF AGAIN WHO TOOK COVER BEHIND INMATE ROBERT OUTLAW, WHO WAS USING PHONE # 2.
9. INMATE ROBERT OUTLAW, WAS SLASHED OVER HIS FACE AND NECK, DURING THE MAYHEM BY PLAINTIFF'S ATTACKERS.
10. AFTER WITNESSING THE SECOND ATTACK ON PLAINTIFF, OFFICER WILSON, SHOUTED "STOP FIGHTING", BUT THIS TIME CALLED THE ATTACK IN, AND ASSISTANCE ARRIVED IN A FEW SECONDS.
11. ONCE BACK-UP ARRIVED, PLAINTIFF ATTACKER'S RAN AWAY EVADING CAPSURE.
12. PLAINTIFF AND INMATE ROBERT OUTLAW, WAS THEN POINTED OUT BY OFFICER WILSON, AND GROMEL AS THE INMATES FIGHTING, AND BOTH, PLAINTIFF, AND INMATE ROBERT OUTLAW, WAS HANDCUFFED AND TAKEN TO THE MEDICAL DEPARTMENT, THEN RUSHED TO WILKES-BARRE GENERAL HOSPITAL, VIA AMBULANCE.
13. PLAINTIFF HAD TO SPEND A NIGHT IN THE INTENSIVE CARE UNIT, WHERE HE RECOVERED FROM OVER TEN (10), STAB WOUNDS, A COLLAPSED LUNG, AND TWO SLASH WOUNDS FROM A RAZOR BLADE.
14. ON FEBRUARY 4, 2018, AT APPROXIMATELY 8:00 P.M., PLAINTIFF WAS RELEASED FROM THE OUTSIDE HOSPITAL, AND TAKEN BACK TO S.C.I. DAWAS, AND PLACED IN THE INSTITUTION INFIRMARY UNIT UNTIL FEBRUARY 8, 2018.

15. ON FEBRUARY 4, 2018, PLAINTIFF WAS SERVED MISCONDUCT REPORT # B974992, WRITTEN BY OFFICER WILSON, STATING HE WITNESSED PLAINTIFF AND INMATE ROBERT OUTLAW, ENGAGED IN A FIST FIGHT ON FEBRUARY 3, 2018, AT 7:30 P.M.
16. OFFICER WILSON, NOR OFFICER GROMEL, REPORTED THE TWO BRUTAL ATTACKS ON PLAINTIFF THAT OCCURED AT 7:15 P.M., AND 7:30 P.M., NOR PREPARED A WRITTEN REPORT THE NIGHT OF THE INCIDENT, EVEN THOUGH BOTH ATTACKS WERE RECORDED ON THE INSTITUTIONAL TELEPHONE SYSTEM.
17. PLAINTIFF AND INMATE ROBERT OUTLAW, WAS FOUND GUILTY OF THE FALSE MISCONDUCT CHARGE AND GIVEN (90) DAYS IN THE RESTRICTIVE HOUSING UNIT.
18. ON FEBRUARY 4, 2018, TWO INMATES WERE CHARGED WITH ASSAULTING PLAINTIFF AND GIVEN (90) DAYS IN THE RESTRICTIVE HOUSING UNIT.
19. THESE TWO INMATES WERE CAUGHT AFTER FELLOW INMATES WHO WITNESSED THE ATTACK CAME FORWARD AND GAVE UP THEIR CELL LOCATION. A BLOODY WEAPON WAS ALSO RECOVERED FROM THEIR CELL.
20. ON FEBRUARY 8, 2018, PLAINTIFF FILED HIS INITIAL GRIEVANCE REPORT COMPLAINING OF THE ACTIONS AND INACTIONS TAKEN BY OFFICER'S WILSON, AND GROMEL.
21. ON FEBRUARY 15, 2018, PLAINTIFF WAS INFORMED BY WELTENANT GORBITT, TO SUBMIT ANOTHER GRIEVANCE CONCERNING OFFICER WILSON, AND GROMEL, BECAUSE PLAINTIFF INITIAL GRIEVANCE ON FEBRUARY 8, 2018 WAS NEVER RECEIVED.
22. ON FEBRUARY 20, 2018, PLAINTIFF SUBMITTED ANOTHER GRIEVANCE AND WAS GIVEN GRIEVANCE # 722965.
23. ON FEBRUARY 13, 2018, PLAINTIFF APPEARED MISCONDUCT REPORT # B974992, REQUESTING A REVIEW OF ALL (5) PHONE CALLS FOR FEBRUARY 3, 2018, AT APROXIMATELY 7:15 P.M., AND 7:30 P.M., TO PROVE PLAINTIFF'S ALLEGATIONS THAT HE WAS NOT ENGAGED IN A FIST FIGHT, BUT WAS ASSAULTED TWICE AND BOTH OFFICER'S WITNESSED THE ATTACKS, FAILED TO TAKE ACTION, AND COVERED THE ATTACKS UP.
24. PLAINTIFF ALSO REQUESTED IN HIS GRIEVANCES AND MISCONDUCT APPEALS TO HAVE THE PHONE CALLS HEWD FOR EVIDENCE.
25. DURING PLAINTIFF'S FIRST ATTACK AT 7:15 P.M., PLAINTIFF WAS USING PHONE (1), ROBERT OUTLAW, WAS USING PHONE (2), AND TYREEK WILSON, WAS USING PHONE (3).

26. AFTER AN INVESTIGATION WAS CONDUCTED, INMATE ROBERT CUTHAW, WAS RELEASED FROM THE RESTRICTIVE HOUSING UNIT, BECAUSE IT WAS CONFIRMED THAT HE WAS NOT FIGHTING PLAINTIFF.
27. ON MARCH 6, 2018, PLAINTIFF CONTACTED THE PSYCHOLOGIST AT S.C.I. DALLAS, REQUESTING MEDICATION TO HELP DEAL WITH THE FEAR HE WAS EXPERIENCING SINCE THE BRUTAL ATTACK.
28. PLAINTIFF WAS ISSUED THE MEDICATION ABILIFY.

WITNESSING THE FIRST ATTACK.

4. \$ 25,000 JOINTLY AND SEVERALLY AGAINST DEFENDANTS WILSON, AND GROMEL FOR AIDING AND ABETTING THE BRUTAL ATTACK, BY NOT REPORTING THE ATTACK.
5. \$ 25,000 JOINTLY AND SEVERALLY AGAINST DEFENDANTS WILSON, AND GROMEL FOR CONSPIRACY TO GIVE PLAINTIFF A FALSE MISCONDUCT CHARGE.
6. \$ 50,000 JOINTLY AND SEVERALLY AGAINST DEFENDANTS WILSON, AND GROMEL FOR THE TORT OF NEGLIGENCE, UNDER THE COMMONWEALTH OF PENNSYLVANIA.
7. \$ 20,000 AGAINST DEFENDANT MAHALLY, FOR FAILURE TO PROPERLY TRAIN STAFF, AND FAILURE TO SUPERVISE AND DISCIPLINE STAFF.
8. GRANT SUCH OTHER RELIEF AS IT MAY APPEAR THAT PLAINTIFF IS ENTITLED TOO.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this AUGUST day of 14, 2018.

Ken Wilson
(Signature of Plaintiff)

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

FOR OFFICIAL USE

GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR MR. ERIK SONAGA	FACILITY: S.C.I. DA...	DATE: FEB. 8, 2018
FROM: (INMATE NAME & NUMBER) KEVIN WILSON # A 13715	SIGNATURE OF INMATE: <i>Kevin Wilson</i>	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT: KA 34 CELL	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8½" x 11" page). State all relief that you are seeking.

ON 2-3-18, AT APPROXIMATELY 7:15 P.M., I WAS STABBED BY TWO INMATES WITH KNIVES PUNCHED OVER THEIR FACES. THE TWO OFFICERS ON DUTY, OFFICERS WILSON, AND GROMEL, NEVER CALLED FOR BACK UP. THEY TRIED TO STOP THE ATTACK, AND REPORTED THE INCIDENT. I WAS GIVEN A FALSE MISCONDUCT FOR A FIGHT I WAS NEVER INVOLVED IN. ALL THESE OFFICERS DID WAS SHOUT "STOP FIGHTING." I REQUESTED MEDICAL AND WAS DENIED BY OFFICER WILSON. I WOULD LIKE TO BE COMPENSATED FOR \$350,000 (PLEASE KEEP ALL (3) PHONE CALLS FOR 7:15 P.M. 2-3-18.

B. List actions taken and staff you have contacted, before submitting this grievance.

SPOKE TO C.O. HULSE, WHO GAVE ME THIS GRIEVANCE

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE Facility Grievance Coordinator Copy
GOLDEN ROD Inmate Copy

CANARY File Copy

PINK Action Return Copy

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONSFOR OFFICIAL USE
7229105
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR MR. SWAGA S.C. DALLAS	FACILITY: S.C.I. DALLAS	DATE: 2-20-2018
FROM: (INMATE NAME & NUMBER) KEVIN WILSON # 715	SIGNATURE OF INMATE: <i>Kevin Wilson</i>	
WORK ASSIGNMENT: NONE	HOUSING ASSIGNMENT: KA 27 CELL	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8½" x 11" page). State all relief that you are seeking.

THIS IS A SECOND GRIEVANCE CONCERNING ME BEING ASSAULTED ON C-BLOCK ON 2-3-18. I SUBMITTED A GRIEVANCE ABOUT OFFICER WILSON AND OFFICER GROMEL NOT CALLING FOR BACK-UP WHILE I WAS BEING ATTACKED BY TWO INMATES WITH HATS PULLED OVER THEIR HEADS. I WAS USING PHONE #1, AND IN THE PROCESS I WAS ATTACKED AND BOTH OFFICERS JUST SAID WAS "STOP FIGHTING" AND THEN LETTING MY ATTACKERS CONTINUE TO STAB ME. I INFORMED LT. CORBITT THAT MY GRIEVANCES WERE NOT BEING ANSWERED ON THURSDAY 2-15-18 ALSO THE DEPUTY WARDEN (PLEASE REVIEW CAMERA 10:45 AM 2-15-18 IN FRONT OF CELL 27). ALSO, PLEASE KEEP PHONE RECORDS OF MY CALL ON 2-3-18 7:15 P.M. (FIRST GRIEVANCE 2-8-18, NO REPLY BY JAIL).

B. List actions taken and staff you have contacted, before submitting this grievance.

SECOND GRIEVANCE DUE TO MY NOT RECEIVING A REPLY # FOR GRIEVANCE SUBMITTED ON 2-8-18.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

2-26 RECEIVED
SCDALLASWHITE Facility Grievance Coordinator Copy
GOLDEN ROD Inmate Copy

CANARY File Copy

PINK Action Return FEB 26 2018

LT Williams

Problem w

STAFF / OFFICER


SUPERINTENDENT'S
ASSISTANTDC-ADM 804, Inmate Grievance System Procedures Manual
Section 1 - Grievances & Initial ReviewIssued: 1/26/2016
Effective: 2/16/2016

Attachment 1-A

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INITIAL REVIEW RESPONSE (SCI DALLAS)

This serves to acknowledge receipt of your grievance to the assigned Grievance Officer. The response is as follows

Wilson, Kevin	KU3715
SCI Dallas	KA 27
722965	02/20/2018
Publication (if applicable):	
<input type="checkbox"/> Uphold Inmate <input checked="" type="checkbox"/> Grievance Denied <input type="checkbox"/> Uphold in part/Denied in part	
<i>It is the decision of this grievance officer to uphold, deny or uphold in part/deny in part the inmate's initial grievance. This response will include a brief rationale, summarize the conclusion, any action taken to resolve the issue(s) raised in the grievance and, relief sought.</i>	
<p>In response to your grievance submitted on 2/20/18 you allege that you were assaulted on C-Block on 2/3/18. You further allege that you submitted a previous grievance (on 2/08/18) but received no number or response concerning this matter. You further allege that neither CO Wilson or Gromel "called for back-up while you were being attacked by two inmates". You state that you "told Lt. Corbitt and the Deputy on 2/15/18" about not receiving an answer to your first grievance.</p> <ol style="list-style-type: none"> 1. Allegations of abuse shall be handled in accordance with the DCADM 001- This matter was fully investigated by the institutions security office and both officers involved were questioned prior to the filing of this grievance. 2. DC-ADM 804, "Inmate Grievance System," the rejected grievance will be forwarded to the facility Security Office so an investigation can be initiated. 3. DCADM 001- A grievance dealing with allegations of abuse shall be handled in accordance with this procedures manual. <i>This may extend the time for responding to the grievance,</i> but will not alter the inmate's ability to appeal upon his/her receipt of the Initial Review Response. DC-ADM 804, "Inmate Grievance System," the rejected grievance will be forwarded to the facility Security Office so an investigation can be initiated. 4. As a result of the inquiry into this matter the determination of this review is that the institution handled this incident in a timely and efficient manner through a formal security office investigation and in accordance with the DCADM 804 and the DCADM 001. Any questions regarding the outcome of said investigation should be directed to the appropriate staff in accordance with Department policy. For these reasons stated and reviewed your grievance is denied at this time. 	
Signature:	
Title:	Zone Lt.
Date:	03/17/18

cc: Facility Grievance Coordinator *E.S.*
 DC-15
 File

FACILITY MANAGER'S OFFICE: GRIEVANCE APPEAL
GRIEVANCE NO. 722965

I RECEIVED MY INITIAL RESPONSE DENIAL ON MARCH 27, 2018, THIS APPEAL FOLLOWS. MY GRIEVANCE WAS DENIED AS BEING FRIVOLOUS, AND DENIED. IT ALSO STATED THAT I ALLEGED I SUBMITTED A PREVIOUS GRIEVANCE ON FEBRUARY 8, 2018, THAT NEITHER CORRECTIONAL OFFICER CALLED FOR BACK-UP, AND THAT I INFORMED LT. GORBITT, AND DEPUTY ZAKARAUSKAS, ON FEBRUARY 15, 2018, ABOUT NOT GETTING AN ANSWER TO MY GRIEVANCE AND A GRIEVANCE NUMBER STATING IT WAS FILED.

I WOULD LIKE TO STATE THAT GRIEVANCE (722965) WAS TO SHOW MY DUE DILIGENCE THAT I WAS TRYING TO ADDRESS MY CONCERNS BUT THEY WERE BEING IGNORED. I WAS SHOWING THAT I CONTACTED NUMEROUS STAFF MEMBERS TO TRY AND RESOLVE THE SITUATION. I HAD TO GET MY FAMILY INVOLVED AGAIN TO GET A REPLY.

IN MY INITIAL GRIEVANCE I SUBMITTED ON FEBRUARY 8, 2018, (PLEASE SEE COPY ATTACHED HERETO) I STATED THE CONDUCT OF OFFICER WILSON, AND OFFICER GROMEL, TO HAVE ALL (5) PHONE CONVERSATION FOR 7:15 P.M., FEBRUARY 3, 2018, KEPT AND HELD FOR EVIDENCE, TO BE COMPENSATED, AND THAT I WAS NOT FIGHTING INMATE ROBERT OUTLAW.

THIS IS THE SAME TREATMENT I RECEIVED WHEN I FILED GRIEVANCE NUMBER 662216, THE JAIL WOULD NOT RESPOND UNTIL I HAD MY FAMILY CONTACT YOUR OFFICE, AND CENTRA OFFICE. I ALSO HAD TO SUBMIT NUMEROUS REQUEST TO STAFF FORMS TO GET TO THE BOTTOM OF THE SITUATION. THIS PRISON NEVER SENDS A GRIEVANCE BACK STATING IT WAS RECEIVED AND FILED, IF IT'S AGAINST STAFF. THIS WAS THE REASON I CONTACTED THE DEPARTMENT OF JUSTICE, TO HAVE AN INVESTIGATION DONE BECAUSE I DIDN'T WANT A COVER-UP. I ALSO WROTE TO CENTRAL OFFICE TO ADDRESS THIS.

MY GRIEVANCE SHOULD HAVE NOT BEEN DENIED AS FRIVOLOUS, WHEN YOU CAN REVIEW THE PHONE RECORDS AND SEE THE APPROACH THESE TWO OFFICER'S TOOK. THEY TRIED TO COVER THIS WHOLE ATTACK UP, AND ONCE EVERYTHING COMES OUT YOU WILL SEE. I WOULD ALSO LIKE TO REQUEST THAT I'D BE TRANSFERRED IMMEDIATELY, AND GIVEN THE FIRST AND LAST NAMES OF MY ATTACKERS. IT'S HARD FOR ME TO SLEEP AT NIGHT, AND I CAN'T TRUST NO ONE WHO WALKS BEHIND ME. PLEASE TRANSFER ME IMMEDIATELY.

Kenn Wilson

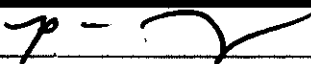
4-1-2018

Facility Manager's Appeal Response**SCI Dallas**

1000 Follies Road, Dallas, PA 18612

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This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

Inmate Name:	WILSON, Kevin	Inmate Number:	KU3715
Facility:	SCI Dallas	Unit Location:	KA1027-01
Grievance #:	722965		
Publication (if applicable):			
Decision:			
<input checked="" type="checkbox"/> Uphold Response (UR) <input type="checkbox"/> Uphold in part/Deny in part <input type="checkbox"/> Uphold Inmate (UI) <input type="checkbox"/> Dismiss/Dismiss Untimely			
<i>It is the decision of this Facility Manager to uphold the initial response, uphold the inmate, dismiss, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.</i>			
Response:	Frivolous		
<p>I have reviewed the above-noted grievance, the Grievance Officer's response and your subsequent appeal of said grievance. My decision is as follows:</p> <p>Lt. Williams was assigned as grievance officer and has adequately addressed your grievance concerns providing you with information regarding your accusations the officers did not call for back up.</p> <p>In addition, your grievance was denied, but not deemed frivolous.</p> <p>In your appeal to me you added additional information/allegations that were not a part of your original grievance and will not be addressed at this level.</p> <p>I find your grievance to be without merit; therefore, I uphold the initial response.</p>			
Signature:	Lawrence P. Mahally 		
Title:	Superintendent		
Date:	April 6, 2018		

LPM/nh

C: Mr. Sowga
 Lt. Williams
 DC-15
 File

DC-ADM 804, Inmate Grievance System Procedures Manual**Section 2 -- Appeals**

Issued: 1/26/2016

Effective: 2/16/2016

Attachment 2-B

INMATE APPEAL TO FINAL REVIEWGRIEVANCE

INMATE #	NAME	FACILITY	DATE	GRIEVANCE #
KU3715	KEVIN WILSON	S.C.I. DALLAS	4-18-18	722965

I RECEIVED MY APPEAL FROM THE SUPERINTENDENT ON APRIL 10, 2018, AND HAVE THE FOLLOWING APPEAL ISSUES.

I WOULD LIKE TO APPEAL THE FACT THAT MY APPEALS ARE BEING UPHOLD, BUT NO ONE IS LISTENING TO THE PHONE CALLS OF MY ATTACK. I WAS NEVER FIGHTING INMATE ROBERT OUTLAW, I WAS ATTACKED AND THESE PHONE RECORDS WILL PROVE MY ALLEGATIONS. OFFICER WILSON, AND OFFICER GROMEL, NEVER INTERVENED PHYSICALLY, NOR RADIOED FOR BACK-UP WHILE I WAS BEING ATTACKED, NOR USED THEIR PEPPER SPRAY TO QUELL THE ATTACK. THESE TWO OFFICERS THEN TRIED TO COVER MY ATTACK UP BY NOT REPORTING IT, NOR MY ATTACKERS. I WAS GIVEN A MISCONDUCT TO COVER UP MY WOUNDS.

I HOPE THIS OFFICE OF FINAL REVIEW LISTEN TO THE PHONE RECORDS, SO I CAN BE LET OUT OF THE R.H.U., AND THIS MISCONDUCT BE TAKEN OFF MY RECORD. THESE OFFICERS DEVIATED FROM POLICY AND NEED TO BE DISCIPLINED FOR THEIR ACTIONS AND INACTIONS. I WAS USING PHONE NUMBER ONE, INMATE ROBERT OUTLAW, WAS USING PHONE NUMBER TWO. INMATE TYREEK WILSON, WAS USING PHONE NUMBER THREE, AT THE TIME OF THE TWO ATTACKS.

Kevin Wilson

2018

Final Appeal Decision
Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

Inmate Name:	Kevin Wilson	Inmate Number:	KU3715
SCI Filed at:	Dallas	Current SCI:	Houtzdale
Grievance #:	722965		
Publication (if applicable):			
Decision:			
<input checked="" type="checkbox"/> Uphold Response (UR) <input type="checkbox"/> Uphold Inmate (UI) <input type="checkbox"/> Uphold in part/Deny in part			
<i>It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.</i>			
Response:	Frivolous		
You claim in your grienave that CO Wilson and CO Gromel did not call for back up while you were attacked by two other inmates with hats pulled over their heads. You claim that you were using the phone and in the process you were attacked and both officers just said stop fighting. An investigation was conducted regarding your allegations. The record reflects that this incident was investigated by the security office. The record reflects that this incident was handled in an efficient manner. You have failed to provide any evidence to substantiate your claims. If you are disputing the misconduct charge, you need to appeal that through DC ADM 801.			
Signature:	Dorina Varner <i>Dorina Varner</i>		
Title:	Chief Grievance Officer		
Date:	6/5/18		

DLV

cc: DC-15/Superintendent Mahally/Smith
 Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual
Section 2 – Appeals

Issued: 1/26/2016
 Effective: 2/16/2016

Attachment 2-F

MR. KEVIN WILSON #KU 3715
STATE CORRECTIONAL INSTITUTION
P.O. BOX 1000
HOUTZDALE, PA. 16698

RECEIVED
SCRANTON

AUG 17 2018

PER  DEPUTY CLERK

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
235 NORTH WASHINGTON AVENUE
P.O. BOX 1148
SCRANTON, PA. 18501-1148

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U.S. DEPT OF
CORRECTIONS

USPS POSTAGE \$003.10